

REMARKS

RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

Requirement For Restriction Under 37 C.F.R. §1.142

The Examiner has required that prosecution of the subject case be restricted to one of the following inventions: Group I, claims 1-17 drawn to a composition comprising thermoplastic elastomer, nylon grafted elastomer and extender; Group II, claim 18, drawn to a gasket; or Group III, claim 19 drawn to a disk drive assembly.

In an effort to further prosecution at this time, the Applicants hereby elect, with traverse, to prosecute Group I, claims 1-17, drawn to a composition comprising thermoplastic elastomer, nylon grafted elastomer and extender.

REJOINDER PURSUANT TO M.P.E.P. § 821.04

The Applicants believe that independent claim 19 is are patentable over the cited art. Because claim 19 includes all limitations of the structure defined in claim 1, the Applicants believe that this claim should be properly rejoined according to M.P.E.P. § 821.04. Favorable consideration by the Examiner as to this rejoinder is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112

The Examiner has rejected claim 5 under 35 U.S.C. § 112, second paragraph, because the Examiner has found improper Markush language.

Claims 5 has been cancelled and therefore the Examiner's rejections has been rendered moot.

REJECTIONS UNDER 35 U.S.C. § 102

The Examiner has rejected claims 1 and 4-16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,300,418 to Brzozowski et al. According to the Examiner, Brzozowski teaches a composition comprising a thermoplastic elastomer, the reaction product of a polyamide and an elastomer, and an extender oil. The Examiner has found that the thermoplastic elastomer includes a styrene-based elastomer, and that the reaction product of the polyimide and elastomer is formed by functionalizing the elastomer and then reacting it with a polyamide. The Examiner has also rejected claims

2, 3, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Brzozowski in view of U.S. Patent No. 5,994,468 to Wang. The Examiner has found that Brzozowski does not teach the amount and type of extender oil now claimed. Wang teaches the amount of extender oil as 30 to 1,000 parts per 100 parts of the grafted polymer. The Examiner concludes that it would have been obvious at the time of the instant invention to add the same amount of extender oil under the composition of Brzozowski, since the composition of Brzozowski is also a soft type composition comprising the same elastomers and the same graft polymer.

Reconsideration is respectfully requested in view of the amendments made to the claims. Namely, claim 1 now recites that the thermoplastic elastomer is a styrene-ethylene/propylene-styrene copolymer. This particular copolymer is not taught by Brzozowski. Nor is there any teaching or suggestion within Brzozowski to employ this particular copolymer.

Also, consideration of newly drafted independent claim 20, as well as those claims depended thereon, is respectfully requested. Claim 20 includes recitation that the gel composition includes from about 10 to about 800 parts by weight of the extender. This limitation is not trivial; indeed, the level of extender provides the composition with the desirable Shore A hardness and compression set, which is also defined in claim 20. These properties allow the composition to be employed as a gasket within an electronic device without the need for extensive force between the substrates to create an airtight seal. Nothing within Brzozowski or Wang teaches, suggests, or motivates one skilled in the art to desire or achieve this composition and its corresponding properties. Support for the subject matter added to the claims can be found at original claim 3, as well as the written description at page 2, lines 29-31. Further support can be found at page 3, lines 1-6, and support for the amount of about 166 parts by weight is derived from Example 5, as set forth in Table I on page 12, wherein the composition included 15 parts by weight styrene-ethylene/propylene-styrene and 25 parts by weight paraffin oil.

CONCLUSION

In view of the foregoing amendments and arguments presented herein, the Applicants believe that they have properly set forth the invention and accordingly, a formal Notice of Allowance of claims 1-4 and 7-19 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney

would welcome a telephone call.

Although new claims 20-23 have been added, the cancellation of claims 4-6 and 18 has offset any additional fees that would have been associated with the addition of these claims. Nonetheless, in the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 06-0925.

Respectfully submitted,



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